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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 7443/2015 & CM No.13746/2015**

RAMESH CHAND

..... Petitioner

Through: Mr Ramesh Chand, petitioner in person.

versus

ROHINI COURT BAR ASSOCIATION & ANR. Respondents

Through: Mr Sanjay Dewan and Ms Palak Rohmetra, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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27.10.2017

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“a) A direction, order or writ in the nature of mandamus or any other appropriate writ thereby directing the respondent to restore the membership of petitioner at its original number i.e. “R -803”; which was cancelled by the Respondent No.1 illegally and arbitrarily without complying with the principal of natural justice and;

b) A direction, order or writ in the nature of Mandamus or any other appropriate writ thereby directing the respondents to consider the name of the Petitioner for allotment of Lawyers Chambers in the Rohini Court Complex as per his seniority according to original / old Membership No. R-803, and allot him the chamber.”

2. It is seen that the petitioner had also made a representation to

respondent no.2 (Lawyers' Chamber Allotment Committee) for allotment of a chamber at Rohini Court Complex. In compliance with the order dated 21.03.2014 passed by this Court in *Ramesh Chand v. Rohini Court Bar Association and Anr*: W.P.(C) No.7374/2013, the said representation was considered by respondent no.2 at a meeting held on 01.05.2014, wherein the petitioner's representation was rejected.

3. The relevant extract of the said meeting is quoted below:-

"The applicant submits that he started practicing since the year 2007. He further submits that initially he was practicing with Mr. B.P. Aggarwal, Adv. and now he has started practicing independently. Upon being specifically enquired, the applicant submits that he has around 125-150 cases pending in Delhi out of which 14-15 cases are pending in Rohini Courts, 30-35 cases are pending in Karkardooma Courts, 20-25 cases are pending in Saket Courts and 10-15 cases are pending in Dwarka Courts. He further submits that no specific day has been fixed/earmarked for attending the cases in Rohini Courts and that he usually comes to Rohini Courts twice a week. He further submits that his RCBA membership was of the year 2007, but later on the same was discontinued. He deposited the due charges which was accepted by the Bar and thereafter he was allotted new membership which was an illegal act on behalf of the Bar and his earlier membership of the year 2007 should have been restored. He submits that he is eligible as he had paid the restoration fees and his case is different from the other candidates who had later on opted for new

membership.

Conclusion:

The Committee, after considering all the facts and circumstances and taking into account the contents of the Writ Petition, is of the view that the applicant is not entitled for a chamber at Rohini not only because his membership is of the year 2011 but also on account of the submissions made today, he is not primarily practicing at Rohini Courts. As admitted by him, he has got minimum cases at Rohini Courts amongst all the District Courts.

The Committee has deliberated upon the contention of the applicant that he had deposited the restoration fees which was accepted by the RCBA as such he should be treated as a member since the year 2007/his earlier membership should be taken into consideration. In this regard, for the purposes of allotment of chamber, the membership of the applicant, as on the date of the application, has been considered. The same criteria has been followed for all the applicants.

Certain similarly placed applicants like the present applicant had preferred suits against the deletion of their membership by the RCBA and the Committee had taken note of the orders passed by the Court. The applicant at the relevant point of time has not agitated this issue which even otherwise is between the applicant and the RCBA. Thus, his representation cannot be acceded to.”

4. It is seen from the above that the petitioner’s representation had been rejected on two grounds. First, that he was not primarily practicing in Rohini Courts and second that his membership was of the year 2011.

Insofar as the question whether the petitioner is primarily practicing in Rohini Court is concerned, it is seen that the Allotment Committee had fixed an objective criteria and, therefore, *prima facie*, if the said criteria is complied with, the petitioner would be entitled to the allotment of a Chamber.

5. However, the principal question involved in the present petition is whether the petitioner's membership is of the year 2011. The petitioner states that his membership is of the year 2007 but was cancelled on account of non payment of dues. He claims that it was restored on payment of the requisite charges, however, respondent no.1 (the Bar Association) has incorrectly restored his membership as of the year 2011. According to the petitioner, once his membership is restored it must relate back to the initial registration; that is, from the year 2007. This Court is of the view that this aspect must primarily be considered by respondent no.1.

6. In the circumstances, respondent no.1 is directed to consider the petitioner's request for considering his registration from the year 2007 instead to 2011. Respondent no.1 shall take an informed decision and communicate the same to the petitioner within a period of six weeks from today.

7. In the event, respondent no.1 restores the petitioner's seniority from the year 2007, respondent no.2 shall consider the case of the petitioner for allotment of a chamber in conformity with the objective criteria adopted by it for allotment of chambers.

8. The petition and the pending application are disposed of with the

aforesaid directions.

OCTOBER 27, 2017
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VIBHU BAKHRU, J